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March 15, 2018

Hon. A. Kathleen Tomlinson, USMJ
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Castillo v. Perfume Worldwide*, 17-cv-2972 (JS)(AKT)

Dear Judge Tomlinson:

I represent the Plaintiffs in the above referenced matter. Today is the date for submission of a discovery motion. For the reasons stated herein, Plaintiffs request that the date to make a discovery motion be extended until March 30, 2018.

Background. Defendant Perfume Worldwide, Inc. (PWW) is an online seller of beauty products and fragrances, and maintains a 150,000 square foot warehouse in Ronkonoma, New York. Plaintiffs were engaged in activities which included (but were not limited to) the unloading of bulk product, storage, handling, assembling individual orders, and packaging the orders for delivery to customers.

This case was brought to recover (1) unpaid overtime as a result of the Defendants' policy of failing to compensate employees for a 20 minute morning break, and (2) spread of hours pay pursuant to 12 NYCRR § 142-2.4. There are approximately 1,100 known class members.

On Tuesday afternoon, when I was in the process of preparing the motion to compel, I was invited by Defendants to participate in a conference call with PWW's payroll administrator (ADP). Jacques Catafago, PWW's bookkeeper, an "ADP Workforce Now" representative and I all participated in the call. Again on Wednesday afternoon the parties participated in a conference call with an "ADP Run" representative.¹ The result of these telephone conferences is that the Defendants, with the assistance of ADP, have agreed to produce class-wide payroll information in excel form.

I expect that the ADP production will be voluminous because there are approximately 1,100 class members. Assuming that the ESI is produced in the next couple of days, it will have

¹ ADP Workforce Now and ADP Run are the two payroll platforms used by the Defendants.

to be reviewed for completeness. I therefore request until March 30, 2018 to review the ESI production and make a motion to compel, if necessary. I thank the Court for its consideration of this request.

Respectfully submitted,

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a series of loops and a long horizontal stroke.

Steven John Moser